

रजिस्टर्ड नं० पी० 461.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, 9 जुलाई, 1973/18 आषाढ़, 1895

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATIONS

Simla-2, the 30th June, 1973

No. 6-42/69-LR.—The Himachal Pradesh Utilization of Lands Bill, 1972 (Bill No. 20 of 1972) after having received the assent of the Governor, Himachal Pradesh, on the 4th June, 1973, under Article 200 of the

1166 असाधारण राजपत्र, हिमाचल प्रदेश, 9 जुलाई, 1973/18 भाषा, 1895

Constitution of India is hereby published in the Rajpatra, Himachal Pradesh as Act No. 17 of 1973.

JOSEPH DINA NATH,
Deputy Secretary.

Act No. 17 of 1973.

THE HIMACHAL PRADESH UTILIZATION OF LANDS ACT, 1973

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ACT

to provide for the utilization of lands in Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Utilization of Lands Act, 1973.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions

(a) “agricultural year” means the year commencing on the sixteenth day of June, or on such other date as the State Government may by notification appoint for any local area;

(b) “Collector” means Collector of the district where the land is situated;

(c) “land” means land which is not urban land and is not occupied as the site of any building in a town or village, but does not include land which is leased by Government under any law other than this Act;

(d) “owner” means a person having a proprietary right in the land and includes a usufructuary mortgagee or a lessee;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “tenant” means a person to whom land is leased by the Collector under the provisions of this Act; and

(g) “urban land” means all land included within the limits of a Municipal Corporation, Municipal Committee, Notified Area Committee and Cantonment.

3. (1) Notwithstanding any law to the contrary, the Collector may issue notice to the owner of any land which has not been cultivated for the last two agricultural years to show cause, within thirty days of the date of the service of such notice on him, why the land has not been cultivated and in case the Collector does not find the explanation to be satisfactory, he may take possession of the land forthwith for the purposes of this Act:

Powers of
Collector to
cause land
to be cul-
tivated.

Provided that the Collector shall not issue such notice in respect of any land—

(a) which is used and maintained as grass land and is classified as such in the revenue records; and

- (b) which has been continuously used as grass land for a period of not less than four years immediately preceding the date of the notice, whether or not it was recorded as such in the revenue records:

Provided further that the Collector shall not issue such notice in respect of any land which, under any law for the time being in force, is reserved in the year immediately preceding the date of the notice for any of the following purposes, namely:—

- (a) pasture land;
- (b) threshing floor;
- (c) irrigation tank;
- (d) orchard;
- (e) private forest;
- (f) land which forms part of any home-stead, burial or cremation-ground; and
- (g) any other public purpose.

Explanation.—For the purposes of this section “grass land” means any land in the private ownership of an individual in which grass or fodder trees, or both are grown.

(2) The notice required by sub-section (1) shall be deemed to be duly served if delivered at, or sent by Registered Acknowledgment Due post to, the usual or last known place of residence of the owner.

Payment of
compensation
to
owner.

4. Where possession of any land has been taken under section 3, one-half of the lease money shall be paid as compensation to the owner of the land.

Lease by
Collector.

5. (1) Where the Collector has taken possession of any land under section 3, he may, lease it to any person on such terms and conditions as he may deem fit for the purpose of growing food and fodder crops.

(2) Every such lease shall ordinarily be for a period of three years.

(3) When the term of lease under sub-section (1) has expired or the lease has been determined under sub-section (1) of section 6, the Collector may lease it to any person as provided in sub-section (1) but the total period of lease shall not be more than twenty years.

Power of
Collector to
determine
lease in
certain
cases.

6. (1) If a person to whom land has been leased under section 5 commits a breach of any of the terms and conditions thereof, the Collector, shall without prejudice to any right or remedy against him, have the power to determine the lease and take possession of the land.

(2) Where lease has been determined by the Collector, the tenant shall not be entitled to any compensation.

Delivery of
possession
on deter-
mination of
lease.

7. (1) Where any land taken possession of by the Collector under section 3, is to be returned to the owner, the Collector may after making such inquiry, if any, as he considers necessary, specify by order in writing the person to whom possession of the land shall be given.

(2) The delivery of possession of the land to the person specified in any order made under sub-section (1) shall be a full discharge of the Collector from all liability in respect of such delivery but shall not prejudice any rights

in respect of the land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(3) Where the person to whom possession of any land is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Collector shall cause a notice declaring that the land is released to be affixed on some conspicuous part of the land.

(4) On issue of the notice referred to in sub-section (3) the land specified in the notice shall be deemed to have been delivered to the person entitled to the possession thereof, and the Government or the Collector shall not be liable for any compensation or other claim in respect of the land for any period after the said date.

(5) On the expiry of term of lease a tenant will be entitled to get compensation for the improvements made by him on the land leased out to him under the provisions of this Act provided that the lease is not determined under sub-section (1) of section 6.

8. Where the tenant fails to grow food or fodder crops on the land leased to him, he shall, besides the payment of rent fixed under section 5, be also liable to pay a penalty not exceeding twice such rent.

Penalty failure the ten to grow food fodder crops.

9. All sums due under this Act from the owner or tenant shall be recoverable as arrears of land revenue.

Sums due recoverable as arrears of land revenue

10. The Collector may take or cause to be taken such steps and use or cause to be used such force as may in his opinion be reasonably necessary for securing compliance with any order made by him under this Act.

Steps for securing compliance with Collector's order

11. The Collector may delegate all or any of his powers and functions under this Act to any officer of the Revenue or Rehabilitation Department in his district either by name or designation.

Delegation of functions

12. Notwithstanding anything contained in any law for the time being in force, no instrument in writing to give effect to a lease by the Collector under this Act shall require stamp, attestation or registration.

Instrument of lease to be stamped, attested or registered.

13. (1) Any person aggrieved by an order passed by the Collector may, within, fifteen days from the date of such order, or such longer period as the Commissioner may allow for reasons to be recorded in writing, prefer an appeal in writing to the Commissioner appointed in this behalf by the State Government.

Appeal revision

Explanation.—In computing the period of fifteen days, the time taken in obtaining a certified copy of the order appealed against shall be excluded.

(2) On such appeal being preferred, the Commissioner may order stay

of further proceedings in the matter pending decision on the appeal.

(3) The Commissioner shall decide the appeal after giving the parties an opportunity of being heard and, if necessary, after sending for the records of the case from the Collector and after making such inquiry as he thinks fit either personally or through the Collector.

(4) The State Government or the Commissioner authorised by it in this behalf, may, at any time, for the purpose of satisfying itself or himself as to the legality or propriety of any order passed by any officer under this Act, call for and examine the records of any case pending before or disposed of by any such officer and may, after giving the parties a reasonable opportunity of being heard, pass such order in reference thereto as it or he may deem fit.

(5) Except as provided in this Act no order made or action taken in exercise of any power conferred by this Act shall be called into question in any court or before any officer or authority.

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14. (1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is, in good faith, done or intended to be done under this Act.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused by anything which is, in good faith, done or intended to be done under this Act.

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15. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

16. The provisions of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 shall not apply to the tenancies created under this Act. 15 of 1954

17. The East Punjab Utilization of Lands Act, 1949, as in force in the territories transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, is hereby repealed. 38 of 1949
31 of 1966

Notwithstanding such repeal anything done or any action taken including any orders, notifications or rules made or issued in exercise of the powers conferred by or under the repealed Act shall, to the extent of being consistent with the provisions of this Act, be deemed to have been done or taken in exercise of the powers conferred by or under this Act.

